

FRANKLIN COUNTY AREA PLAN COMMISSION
MEMORANDUM & MINUTES
COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM 203, VIA ZOOM
JULY 8, 2020

THOSE PRESENT: Ruthie Mannix, President; Ed Derickson, Robert Braun, Denny Brown, Glenn Bailey, and Mary Rodenhuis. Also present were Tammy Davis, and Cindy C. Orschell.

Pledge of Allegiance

Roll Call

MINUTES of June 10, 2020 – MOTION- Mary Rodenhuis moved to approve the minutes, Glenn Bailey 2nd. Ruthie Mannix Abstained. MC.

EUGENE MOSTER – addresses the board. Ruthie Mannix – feels a variance would be in order, and it would clean-up the issue and its an easy fix. Robert Braun – questioned if there was a problem with the variance. Glenn Bailey – no, but he would be willing to measure. Ruthie Mannix asked if a variance could be for both issues. Cindy Orschell- yes, it's the same structure on the same parcel. Glenn Bailey, and Cindy Orschell could meet with Eugene Moster to measure and report back to the board.

LECHER SAWMILL on Moorman Road - Cindy Orschell – a complaint was filed for noise, and the board felt we should send them a letter making them aware of the complaint, and for them to contact the office and to invite them to attend the meeting. Frank Lecher and Tony Lecher were present.

Ruthie Mannix – questions permits. Cindy Orschell – according to the Assessor's Office's property record card, and files in the office; there are several buildings without permits.

Marty Brunner – lives at 4203 Moorman Road, and now this is a multi-million-dollar operation, they are hauling day and night, and 10 years ago they starting grinding. At the location of his shop/ office he has measured to noise level to be at 84 decibels. He presented the board a report from the Sheriff's Department that was performed on 5/28/2020 and it stated "while I was out there, I could hear the equipment running and the noise was extremely loud. I did not find the noise to so loud that it would rattle windows though. They equipment did not shut down until 9 pm." According to his attorney he has the right to the enjoyment of his property; and this is causing the value of his property to go down. Ed Derickson – questioned the equipment. Marty Brunner – the equipment is located outside on a semi-trailer.

Frank Lecher – we have been grinding 7-8 years, for 2 weeks at a time. We used to burn the left overs and we received a visit from EPA and had to stop. The grinding can stop at 5 pm, and he didn't know it was an issue.

Robert Braun – the grinding is done once a year? Frank Lecher – yes, once last year, and this year. Glenn Bailey - questions a solution. Frank Lecher – we grind it as we go, and would need more electric to grind it themselves. Robert Braun – questions where does the electric come from for the grinder? Frank Lecher – it's a diesel grinder.

Marty Brunner – they grind 6-8 weeks at a time. Mary Rodenhuis – legally we can't do anything about somebody coming in contracting. Tammy Davis – arrange a time for grinding, set a schedule?

Robert Braun – when do you contact them to grind? Frank Lecher – when the pile of leftovers gets big. Marty Brunner – there are other ways to grand and other places.

Ruthie Mannix – asks Tammy Davis about the noise ordinance. Tammy Davis – its vague, and questions if we could do any type of screening? Marty Brunner – have a sound engineer measure the decibels. Ruthie Mannix – asks to stop the grinding to at 5 pm. Frank Lecher – yes. Mary Rodenhuis – its zoned agriculture, maybe notify neighbors of limiting time. Tammy Davis – noise law is vague, have a noise engineer look into it. Frank Lecher – is aware of the problem now, is there someone specific that would have something to prove it's a nuisance.

Marty Brunner – when they grind again, he will invite the board. Ruthie Mannix – let the board now. Frank Lecher – it will be in January.

Ed Derickson – do you sell the product? Frank Lecher – yes. Ed Derickson – nuisance law is 85 decibels in noise ordinance, need a curtain, and this is a serious issue. Marty Brunner – zoning law being violated. Glenn Bailey – needs to be studied and will find out.

MARY RODENHUIS updated the board on her membership – By October 1, 2020, the Commissioners will have to decide on the position of the Extension Educator. Robert Braun – Commissioners established who can set on the board. Mary Rodenhuis – yes, that changed this year.

COMPLAINTS

Derryl Cregar- Tammy Davis – court date on August 10 at 1:15 PM

Robert Barngrover – Cindy Orschell to send another letter. He has removed the addition, and now has added a deck without a permit.

Daniel & James Davis – Cindy Orschell – site visit on 7/8/2020, no change. Tammy Davis- court date August 17 at 9:30 AM

Randy & Bridget Smith – Cindy Orschell - still cleaning up. Will do another site visit

Donald Harding – Cindy Orschell – site visit on 7/8/2020, moved mobile home but has a camper, and inoperable cars. Tammy Davis – Court date July 23 @ 9 AM.

Thomas Whipple –Cindy Orschell – Site visit on 7/8/2020, no contact, but it does appear he is doing some cleaning-up.

Andrew Matthews – Cindy Orschell – site visit on 7/8/2020, no contact and no improvement.

Steven T. Peters & Paula Godsey – Cindy Orschell - no updates.

Gregory Meyers – Cindy Orschell – Greg Myers has applied for a variance for front setback and will be appearing before the BZA in August.

Eugene Moster – Cindy Orschell – site visit on 7/8/2020, and will be applying for a variance.

Town of Brookville – Cindy Orschell- email from Todd Thackery stating they have to refile to the State.

Anthony Lecher – Cindy Orschell - still under investigation.

Esterkamp, and Merrell – Cindy Orschell – investigate the complaint in the next week.

Joey Ailes- Cindy Orschell- complaint has been corrected.

ADJOURNMENT – Mary Rodenhuis moved to adjourn the meeting, Glenn Bailey 2nd. AIF. MC. Meeting adjourned at 8:18 PM.